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UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 OAKLAND DIVISION

ORACLE USA, INC., *et al.*,

Plaintiffs,

v.

SAP AG, *et al.*,

Defendants.

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 SAP AG, SAP America, Inc., and  
 TomorrowNow, Inc.

Case No. 07-CV-1658 PJH (EDL)

**TRIAL STIPULATION AND  
 [PROPOSED] ORDER REGARDING  
 CONTRIBUTORY INFRINGEMENT  
 LIABILITY**

1 Plaintiffs Oracle USA, Inc. ("Oracle USA"), Oracle International Corporation  
2 ("OIC"), and Siebel Systems, Inc. ("SSI"; and, together with Oracle USA and OIC, "Oracle")  
3 and Defendants SAP AG, SAP America, Inc., and TomorrowNow, Inc ("TN"; and, together with  
4 SAP AG and SAP America, Inc., "Defendants"; and, all together with Oracle, the "Parties"),  
5 jointly enter this Stipulation and Order.

6 **NOW, THEREFORE, THE PARTIES HEREBY STIPULATE**, through their  
7 respective counsel of record, as follows:

8 In addition to all the other stipulations the Parties have entered into, on October 28, 2010,  
9 SAP AG and SAP America also stipulated with the Plaintiffs that they are liable for contributory  
10 infringement.

11 **IT IS SO STIPULATED.**

12 DATED: November 2, 2010 JONES DAY

13  
14 By: /s/ Scott W. Cowan  
15 Scott W. Cowan  
16 Attorneys for Defendants  
17 SAP AG, SAP America, Inc.,  
and TomorrowNow, Inc.

18 In accordance with General Order No. 45, Rule X, the above signatory attests that  
19 concurrence in the filing of this document has been obtained from the signatory below.

20 DATED: November 2, 2010 Bingham McCutchen LLP

21  
22 By: /s/ Zachary J. Alinder  
23 Zachary J. Alinder  
24 Attorneys for Plaintiffs  
Oracle USA, Inc., Oracle International  
Corporation, and Siebel Systems, Inc.

25 **IT IS SO ORDERED.**

26 DATED: November 2, 2010

27 By: Hon. Phyllis J. Hamilton  
28

